

## REMARKS

### *Claims*

Claims 1 and 3 have been amended. It is submitted that these amendments place the claims in condition for immediate allowance.

### *Priority*

The Examiner asserts that "the limitations of some of the elected pending claims are not supported by the priority paper." Applicants do not concede that this is the case. The Examiner points to the skin protection features recited in claims 7 and 8 as examples. However, ribs 54, shown in Figs. 5 and 7 of the priority document serve as skin protection features, as discussed, e.g., at page 11 of the priority document, 7 lines from the bottom of the page. Applicants reserve the right to address other issues regarding support for the pending claims in the priority document if and when they arise.

### *Rejection Under 35 U.S.C. 102(b)*

Claims 1, 3, 5, 9, 12-13, 24, 27-29 and 32-33 have been rejected as anticipated by Rosenkranc.

With regard to claim 1, the Examiner's sketch further explaining the Examiner's position is acknowledged and this clarification is appreciated. While it is not conceded that claim 1 as previously presented is anticipated, in order to expedite prosecution Applicants have amended claim 1 to require that the rear exterior surface, which extends downward from the upper surface at the back of the housing to a terminating surface, extends along substantially the entire length of the trimming blade. Because the rear exterior surface (e.g., rear wall 506 in FIG. 9) extends along substantially the entire length of the trimming blade, this surface is capable of acting as a trimming cap for the trimming blade, protecting the user's skin during handling of the razor.

In contrast, even from the few figures provided by Rosenkranc, it is clear that the razor described by Rosenkranc does not include a rear exterior surface as claimed that extends along substantially the entire length of the trimming blade. The cross-hatching (and lack of cross-

hatching) in Rosenkranc's Figure 1 (the Examiner's Figure A) indicates that the portion of the housing labeled by the Examiner as "rear exterior surface" does not extend along the blade at the point at which the cross-section was taken (the area indicated by the Examiner is not cross-hatched, and thus the indicated housing material is not adjacent to the blade at the point in the cartridge where the cross-section is taken but instead is somewhere further along the length of the blade going into the paper).

With regard to claim 3, the Examiner asserts that "Rosenkranc does teach the trimming assembly that includes the trimming guard and the trimming blade disposed in a predetermined position with respect to the trimming guard..." Since there is clearly no assembly of a guard and blade attached to Rosenkranc's housing, as recited in Applicants' claim, the Examiner is apparently taking the position that once Rosenkranc's razor is assembled the trimming blade and the "guard" area of the housing together define an "assembly" in which the guard and blade are in predetermined positions relative to each other. While Applicants do not concede that this interpretation is proper, in order to expedite prosecution Applicants have amended claim 3 to recite that the assembly is attached to the housing as one unitary piece, which includes the trimming blade and trimming guard. This configuration is clearly neither taught nor suggested by Rosenkranc. The attachment of the trimming blade and trimming guard to the housing as a single unit is an important feature of Applicants' invention, as it allows the tangent angle and blade span of the trimming blade to be precisely controlled during manufacturing, as discussed in Applicants' previous response and in Applicants' specification at p. 6, lines 20-23.

In view of the above, Applicants respectfully request that the rejection under 35 U.S.C. 102(b) be withdrawn.

***Rejection Under 35 U.S.C. 103(a)***

Claims 7-8, 10-11 and 30-31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenkranc in view of "Applicants' Admitted Prior Art" (APPA).

These claims are patentable for at least the reason that they depend from a patentable base claim.

Applicants respectfully note that it was not their intention to concede the accuracy of the Examiner's statements regarding the common knowledge in the art made in the previous office

action. Applicants' silence in this regard was based on their belief that the independent claims are patentable over the art of record and that thus the Examiner's assertions regarding the patentability of the subject matter of the dependent claims were moot.

Applicants note that MPEP 2144.03 states that "official notice unsupported by documentary evidence should only be taken by the examiner where the facts to be asserted to be well-known, or to be common knowledge in the art are *capable of instant and unquestionable demonstration as being well-known.*" Applicants respectfully submit that the facts in question, i.e., that the use of (a) skin protection projections, (b) a rear wall that is a separate component, e.g., of metal, attached to the housing, and (c) four or five blades, would have been obvious, do not meet this requirement. Thus, if the Examiner chooses to maintain this rejection Applicants respectfully request that documentary evidence be cited to support the Examiner's contentions.

It is believed that no fees are due with this response. Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 00216-661001.

Respectfully submitted,

Date:

April 3, 2006



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